

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: Robert E. Richard et al.
 Application No.: 10/632,054
 Date Filed: 07/31/2003
 Title: IMPLANTABLE OR INSERTABLE MEDICAL DEVICES CONTAINING
 RADIATION-TREATED POLYMER FOR IMPROVED DELIVERY OF
 THERAPEUTIC AGENT
 Group Art Unit: 3736
 Atty. Docket No.: 02-465

INFORMATION DISCLOSURE STATEMENT (IDS)

Mail Stop DD
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

SIR:

In accordance with 37 C.F.R. §1.56 and in compliance with 37 C.F.R. §§1.97 and 1.98, the references listed on attached Form PTO/SB/08 and/or subsequently identified herein, are being submitted herewith for consideration by the United States Patent and Trademark Office.

I. COPIES

- a. A legible copy of (i) each U.S. and foreign patents; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed, is included herewith.
- b. Any patents, publications or other information which are listed on PTO/SB/08 which are not enclosed herewith were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. §120:

U.S. Serial NumberU.S. Filing DateII. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

- a. Except as may be indicated below in (b) of this section, all of the patents, publications or other information are in the English language (concise explanation not required).
- b. A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. The following additional information is provided for the Examiner's consideration:

III. CROSS REFERENCE TO RELATED APPLICATION(S)

The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this (these) applications to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. §122.

Serial No.Filing DateArt Unit

FEES

IV. **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(b):** (check one box)

- within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. §1.97(b)(1)). No fee or statement is required.
- within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. §1.97(b)(2)). No fee or statement is required.
- before the mailing date of a first Office Action on the merits (37 C.F.R. §1.97(b)(3)). No fee or statement is required.
- before the mailing date of a first Office Action after the filing of a request for continued examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

V. **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(c):** (check one box)

before the mailing date of any of a Final Office Action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application (See 37 C.F.R. §1.97(c)).

- No statement; therefore, charge deposit account 50-1047 the fee set forth in 37 C.F.R. §1.17(p).
- See the statement below. No fee is required.

VI. **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(d):**

on or before payment of the issue fee and is accompanied by the following:

- 1) a statement under 37 C.F.R. §1.97(e) as provided below; and
- 2) charge deposit account 50-1047 the petition fee set forth in §1.17(p).

VII. **STATEMENT UNDER 37 C.F.R. §1.97(e):** (check only one box, if applicable)

The undersigned hereby states that

- each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of IDS; or
- no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and to knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement, or
- some of the items of information contained in the IDS were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information contained in the IDS was cited a communication from a foreign Patent Office in a counterpart foreign application or, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.

VIII. **PAYMENT OF FEES**

- A check in the amount of _____ is enclosed for the above-identified fee(s).
- Please charge Deposit Account No. 50-1047 in the amount of \$180.00 for the above-indicated fee(s).
- If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 50-1047.
- Two Copies of this paper are attached for Deposit Account charges and debits.

It is Applicant(s)' opinion that the claims presently on file patently distinguish the present invention from each of these references. The above references are being cited only in the interests of candor and without any admission that they constitute statutory prior art or contain matter which anticipates the invention or which would render the same obvious, either singly or in a combination, to a person of ordinary skill in the art.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 50-1047.

Respectfully submitted,

MAYER FORTKORT & WILLIAMS
Customer Number 27774

David B. Bonham
Attorney for Applicant(s)
Reg. No. 34,297
Tel.: 703-433-0510
FAX: 703-433-2362

Enclosures:

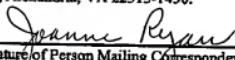
- PTO/SB/08
- References
- Foreign Search Report
- Other:

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Substitute for form 1449A/PTO
**INFORMATION DISCLOSURE
 STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

3

Attorney Docket Number

02-465

Examiner Initials*	Cite No. †	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM- DD-YYYY
		Number	Class/Subclass		
/AH/	1.	2002/0099438 A1	623/1.16	Furst	07/25/2002
/AH/	2.	6,335,029 B1	424/423	Kamath et al.	01/01/2002
/AH/	3.	6,280,411 B1	103.05/1	Lennox	08/28/2001
/AH/	4.	5,258,020	623/1	Froix	11/02/1993
/AH/	5.	6,099,562	623/1.46	Ding et al.	08/08/2000
/AH/	6.	5,954,706	604/509	Saharian	09/21/1999
/AH/	7.	5,879,697	424/422	Ding et al.	03/09/1999
/AH/	8.	5,716,981	514/449	Hunter et al.	02/10/1998
/AH/	9.	5,616,608	514/449	Kinsella et al.	04/01/1997
/AH/	10.	5,733,925	514/449	Kunz et al.	03/31/1998
/AH/	11.	5,789,018	427/2.3	Engelsohn et al.	08/04/1998
/AH/	12.	5,674,242	606/198	Phan et al.	10/07/1997
/AH/	13.	5,304,121	604/53	Saharian	04/19/1994
/AH/	14.	5,163,952	623/1	Froix	11/17/1992
/AH/	15.	4,946,899	525/244	Kennedy et al.	08/07/1990
/AH/	16.	5,741,331	623/11	Pinchuk	04/21/1998
/AH/	17.	2002/0197296 A1	424/423	Gen	12/26/2002

Examiner Initials*	Cite No. †	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM- DD-YYYY	T
		Office* Number *	Class/Subclass			
1.						
2.						
3.						
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Examiner Signature	/Alicia Hughes/	Date Considered	05/10/2009
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation, if not in conformance and not considered. Include copy of this form with next communication to applicant.

*Unique citation designation number. † See Kinds of U.S. Patent Documents. *Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). *For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ‡ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 18 if possible. *Applicant is to place a check mark here if English Language Translation is attached.



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Substitute for form 1449A/PTO			Complete if Known		
			Application Number	10/632,054	
			Filing Date	07/31/2003	
			First Named Inventor	Robert E. Richard	
			Group Art Unit	3736	
			Examiner Name	Unassigned	
Sheet 3 of 3			Attorney Docket Number	02-465	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. 1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
/AH/	1.	Reference: Polymer Properties. Thermal Transitions of Homopolymers: Glass Transition & Melting Point. http://www.sigmaprolink.com/img/assets/3900/Thermal_Transitions_of_Homopolymers.pdf .			
/AH/	2.	Services: Crosslinking. http://www.wchmipi.com/cross.html			
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Examiner Signature	/Alicia Hughes/	Date Considered	05/10/2009
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